

# **EXHIBIT 1**

Darren G. Reid (11163)  
Brandon T. Christensen (16420)  
HOLLAND & HART LLP  
222 South Main Street, Suite 2200  
Salt Lake City, Utah 84101  
Telephone: (801) 799-5800  
Facsimile: (801) 799-5700  
[dgreid@hollandhart.com](mailto:dgreid@hollandhart.com)  
[btchristensen@hollandhart.com](mailto:btchristensen@hollandhart.com)

*Attorneys for Plaintiffs*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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SMASH TECHNOLOGY, LLC, a Nevada limited liability company; and MICHAEL ALEXANDER, an individual;

Plaintiffs,

vs.

SMASH SOLUTIONS, LLC, a Delaware limited liability company; JERRY “J.J.” ULRICH, an individual; and JOHN DOES 1-3;

Defendants.

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SMASH SOLUTIONS, LLC, a Delaware limited liability company; JERRY “J.J.” ULRICH, an individual; and JOHN DOES 1-3;

Counterclaim Plaintiffs,

vs.

SMASH TECHNOLOGY, LLC, a Nevada limited liability company; and MICHAEL ALEXANDER, an individual;

Counterclaim Defendants.

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**PLAINTIFFS’ INITIAL DISCLOSURES**

Case No. 2:19-cv-00105-TC

Judge Tena Campbell

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, Plaintiffs Smash Technology, LLC and Michael Alexander (collectively, “Plaintiffs”) hereby provides the following Initial Disclosures.

**PRELIMINARY STATEMENT**

These Initial Disclosures are based upon information reasonably available to Plaintiffs now and represent a good faith effort to identify discoverable information currently and reasonably believed to fall within Rule 26(a)(1) of the Federal Rules of Civil Procedure. By making these disclosures, Plaintiffs do not waive any privilege that may exist under statutory or common law nor do they represent that Plaintiffs are identifying every witness, document, or tangible thing that Plaintiffs may use to support their case. Plaintiffs’ future discovery responses and deposition testimony will constitute additional disclosure. Plaintiffs are continuing to investigate the claims and the factual circumstances underlying this lawsuit. If necessary, Plaintiffs will supplement these Initial Disclosures as soon as is practicable, and in accordance with Rule 26(d). Plaintiffs expressly reserve all objections to the use or admissibility of any disclosed documents in these proceedings. Moreover, Plaintiffs reserve any objections they may have to the subsequent production or use of these documents under the Federal Rules of Evidence, the Federal Rules of Civil Procedure, or any privilege which may exist under state statutory or common law.

These initial disclosures do not identify or otherwise include information concerning experts. Plaintiffs will disclose the identity of experts at the appropriate time in accordance with the scheduling order in this matter.

## **DISCLOSURES**

### **I. Individuals Likely to Have Discoverable Information**

Based upon information reasonably available at this time, Plaintiffs currently believe that the individuals or entities identified below are likely to have discoverable information that Plaintiffs may use to support their claims or defenses, unless solely for impeachment:

**Michael Alexander**  
c/o Darren Reid  
Holland & Hart LLP  
222 So. Main Street, Suite 2200  
Salt Lake City, UT 84101  
801.799.5952

Mr. Alexander is expected to have information and knowledge concerning the allegations contained in his Complaint, his relationship with Defendants, his agreement with Ulrich and their formation and operation of Smash Technology, his claimed damages, and Technology's agreement with Feracode and its role in the development of the intellectual property and CRM platform.

**Tatiana Alexander**  
c/o Darren Reid  
Holland & Hart LLP  
222 So. Main Street, Suite 2200  
Salt Lake City, UT 84101  
801.799.5952

Ms. Alexander is expected to have information and knowledge concerning the allegations contained in his Complaint, Plaintiffs' relationship with Defendants, Mr. Alexander's agreement with Ulrich and their formation and operation of Smash Technology, including funding provided to Technology, Plaintiffs' claimed damages, and Technology's agreement with Feracode and its role in the development of the intellectual property and CRM platform.

**Sterling Kerr**  
2450 Saint Rose Parkway, Suite 120  
Henderson, NV 89074  
702.608.0835

Mr. Kerr is expected to have information and knowledge concerning the allegations contained in the Complaint, his relationship with Plaintiffs and Defendants, and the agreement between Ulrich and Alexander and their formation and operation of Smash Technology.

**Feracode, LLC**  
c/o Wladimir Ribeiro  
2002 S. Clydesdale  
Saratoga Springs, UT 84096

Feracode—and its founders Wladimir Ribeiro and Sidney Rodrigues—is expected to have information and knowledge regarding its agreement with Technology to develop the intellectual property and CRM platform and its communications with Plaintiffs Defendants regarding such development.

**Jerry Ulrich**  
c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Ulrich is expected to have information and knowledge concerning the allegations contained in the Complaint and his Counterclaim, his relationship with Plaintiffs and Defendants, his agreement with Alexander and their formation and operation of Smash Technology, its transfer of ownership and control of the intellectual property, and Technology's agreement with Feracode and its role in the development of the intellectual property and CRM platform.

**Smash Solutions, LLC**  
c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Smash Solutions is expected to have information and knowledge concerning the allegations contained in the Complaint and its Counterclaim, its relationship with Plaintiffs and Defendants, its transfer of ownership and control of the intellectual property, and Feracode's development of the intellectual property and CRM platform for and on behalf of Smash Technology.

**Smash Innovations, LLC**  
c/o Jerry Ulrich  
2975 S. Executive Parkway, Suite 146  
Lehi, UT 84043

Smash Innovations is expected to have information and knowledge concerning the allegations contained in the Complaint and Counterclaim, its formation and operation, its relationship with Defendants and Feracode, and its use of the intellectual property and CRM Platform, if any.

**Samuel Potter**  
c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Potter is expected to have information and knowledge concerning the allegations contained in the Complaint and Counterclaim, Smash Technology's formation and operation, including his role as CTO, Technology's relationship with Defendants and Feracode, and his involvement with Smash Solutions and/or Smash Innovations.

**Kevin Kern**  
c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Kern is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Harvey Dockstader**  
c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Dockstader is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Vivienne Russell**

c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Ms. Russell is expected to have information and knowledge concerning her role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Ross Stenquist**

c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Stenquist is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Jason Dickerson**

c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Dickerson is expected to have information and knowledge concerning his role as an investor with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Barry Moniak**

c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Moniak is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Brett Wade**

c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Wade is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Jared Jenson**

c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Jenson is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Dan Edwards**

c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Edwards is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Joe Read**

c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Read is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Carl Doane**

c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Doane is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Claude Walton**

c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Walton is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Karyn Hammond**  
c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Ms. Hammond is expected to have information and knowledge concerning her role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

**Scott Scales**  
c/o Matthew C. Barneck  
Richards Brand Miller Nelson  
Wells Fargo Center, 15th Floor  
299 South Main Street  
P.O. Box 2465  
Salt Lake City, UT 84110-2465  
801.531.2000

Mr. Scales is expected to have information and knowledge concerning his role with Smash Solutions and some of the allegations contained in the Complaint and Counterclaim.

Plaintiffs incorporate by reference herein all witnesses disclosed pursuant to Defendants' Initial Disclosures and related documents, as well as all witnesses and individuals disclosed in the parties' written discovery responses. Plaintiffs expect that certain categories of testimony may involve expert testimony, which shall be disclosed in accordance with Rule 26 and the Court's scheduling order in this matter.

## **II. Categories of Documents**

Based on information reasonably available at this time, Plaintiffs provide here a list of categories of documents that it may use to support its claims and defenses, unless solely for impeachment:

- The Ulrich/Alexander agreement and related communications;
- Documents related to the formation, funding, and operation of Smash Technology;
- Documents related to Smash Technology's agreement with Feracode and its role in the development of the intellectual property and CRM platform.

Plaintiffs incorporate by reference herein all documents disclosed pursuant to Defendants' Initial Disclosures, as well as documents disclosed in the parties' discovery responses.

### **III. 26(a)(1)(C): Computation of Damages**

Plaintiffs' computation of damages associated with its claims may be the subject of special or expert testimony and calculated as that information is determined by Plaintiffs, but is likely to include, among other things, the loss of Mr. Alexander's investment into Technology, the diminution in value of Technology (and related lost profits) due to Defendants' misappropriation of its intellectual property and CRM platform.

### **IV. 26(a)(1)(D): Insurance or Indemnification Agreements**

The counterclaims asserted by Defendants in this matter are not understood by Plaintiffs to be covered by any insurance policies.

### **V. Reservation of Rights**

Plaintiffs reserve the right to amend these disclosures and to make additional disclosures because of further discovery and investigation in this matter.

DATED this 3rd day of May, 2019.

HOLLAND & HART, LLP

/s/ Darren G. Reid

Darren G. Reid  
Brandon T. Christensen  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 209, I served a copy of the foregoing document to the following by e-mail:

Matthew C. Barneck – [matthew-barneck@rbmn.com](mailto:matthew-barneck@rbmn.com)  
Zachary E. Peterson – [zachary-peterson@rbmn.com](mailto:zachary-peterson@rbmn.com)  
Kristina H. Ruedas – [kristina-ruedas@rbmn.com](mailto:kristina-ruedas@rbmn.com)

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/s/ Christa L. Fries

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